

## Message Text

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ORIGIN L-03

INFO OCT-01 ISO-00 SS-15 SP-02 INR-10 INRE-00 OES-09  
PM-05 EA-10 NSCE-00 DODE-00 CIAE-00 ACDA-12 DOE-15  
SOE-02 NRC-05 SSO-00 /089 R

DRAFTED BY L/N:RJBETTAUER:AVW  
APPROVED BY OES/NET:LVNOSENZO  
T/D - DR. NYE (SUBST)  
EA/ANP -TJWAJDA  
-----031998 221638Z /14-S  
O 221551Z JUL 78  
FM SECSTATE WASHDC  
TO AMEMBASSY CANBERRA IMMEDIATE

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E.O. 11652:

TAGS: MNUC, PARM, TECH, ENRG,

SUBJECT: INTERIM AGREEMENT WITH AUSTRALIA ON PEACEFUL  
NUCLEAR COOPERATION  
REF: CANBERRA 5763

1. DURING JUNE 22-23 VISIT TO AUSTRALIA BY NYE TEAM,  
DRAFT EXCHANGE OF NOTES WAS AGREED AD REFERENDUM. USG HAS  
NOW COMPLETED PROCEDURE TO AUTHORIZE EXCHANGE, WITH  
SEVERAL MINOR MODIFICATIONS IN TEXT. TO ENSURE ACCURACY  
OF TEXT WE ARE EXCHANGING, FOLLOWING IS FULL TEXT OF  
PROPOSED U.S. NOTE:

BEGIN TEXT:

SIR:

I REFER THE MINISTER OF FOREIGN AFFAIRS TO THE AGREEMENT  
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FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY  
BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND  
THE GOVERNMENT OF AUSTRALIA, SIGNED ON JUNE 22, 1956, AS  
AMENDED, HEREINAFTER REFERRED TO AS THE 1956 COOPERATION  
AGREEMENT.

I WISH TO ACKNOWLEDGE AUSTRALIA'S LEADERSHIP ROLE

IN THE FIELD OF PREVENTING NUCLEAR PROLIFERATION. BOTH AUSTRALIA AND THE UNITED STATES ARE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS. BOTH COUNTRIES HAVE COMMITTED THEMSELVES TO ENSURE THAT ANY SOURCE MATERIALS, SPECIAL NUCLEAR MATERIALS, OR EQUIPMENT TRANSFERRED PURSUANT TO THE 1956 COOPERATION AGREEMENT, INCLUDING SUCH ITEMS SUBSEQUENTLY RETRANSFERRED PURSUANT TO AGREEMENTS FOR COOPERATION BETWEEN THE UNITED STATES AND OTHER NATIONS, AND ANY SPECIAL NUCLEAR MATERIALS PRODUCED THEREFROM, SHALL NOT BE USED FOR RESEARCH ON OR DEVELOPMENT OF ANY NUCLEAR EXPLOSIVE DEVICE OR FOR ANY OTHER MILITARY PURPOSE. THEY HAVE ALSO COMMITTED THEMSELVES TO ACCEPT THE APPLICATION OF IAEA SAFEGUARDS TO SUCH MATERIALS AND EQUIPMENT. WHILE SUCH MATERIALS AND EQUIPMENT ARE WITHIN THE UNITED STATES, THE UNITED STATES INTENDS TO IMPLEMENT THIS COMMITMENT PURSUANT TO AN AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN THE UNITED STATES. FURTHER, BOTH HAVE COMMITTED THEMSELVES TO ENSURE THAT PHYSICAL PROTECTION MEASURES ARE APPLIED TO ALL SUCH MATERIALS OR EQUIPMENT, PROVIDING AS A MINIMUM PROTECTION COMPARABLE TO THAT SET FORTH IN INFCIRC/225 (REV. 1). THESE ARE ENDURING COMMITMENTS.

THE UNITED STATES IS PREPARED TO BEGIN RENEGOTIATION OF THE 1956 COOPERATION AGREEMENT WITH AUSTRALIA IMMEDIATE LIMITED OFFICIAL USE

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ATELY, WITH A VIEW TO PROMPT CONCLUSION OF A NEW AGREEMENT. PENDING THE ENTRY INTO FORCE OF A RENEGOTIATED AGREEMENT FOR COOPERATION, THE UNITED STATES PROPOSES THE FOLLOWING UNDERSTANDING, IN ADDITION TO THE AGREEMENTS SET FORTH IN THE 1956 COOPERATION AGREEMENT:

THE UNITED STATES SHALL NOT EXERCISE ANY RIGHTS IT HAS TO APPROVE THE RETRANSFER OR ENRICHMENT TO TWENTY PERCENT OR GREATER IN THE ISOTOPE U-235 BY ANOTHER NATION OR GROUP OF NATIONS OF MATERIAL HEREAFTER TRANSFERRED PURSUANT TO THE 1956 COOPERATION AGREEMENT OR OTHERWISE IDENTIFIED AS BEING OF AUSTRALIAN ORIGIN, AND SHALL NOT EXERCISE ANY RIGHTS IT HAS TO APPROVE THE RETRANSFER OR REPROCESSING OF IRRADIATED FUEL ELEMENTS CONTAINING SPECIAL NUCLEAR MATERIALS PRODUCED THROUGH THE USE OF SUCH MATERIALS, UNLESS AUSTRALIAN APPROVAL IS OBTAINED IN ADVANCE. THIS APPLIES ONLY WHERE THE COUNTRY REQUESTING APPROVAL HAS NOTIFIED THE UNITED STATES THAT AUSTRALIA HAS THIS RIGHT OR ITS EQUIVALENT. IN THE EVENT THAT THE UNITED STATES IS NOT SO NOTIFIED, THE UNITED STATES SHALL CONSULT WITH AUSTRALIA PRIOR TO GRANTING SUCH APPROVAL.

IN ADDITION TO THE FOREGOING, IT IS THE UNDERSTANDING OF THE UNITED STATES THAT NEITHER PARTY SHALL ENRICH ANY URANIUM AFTER TRANSFER PURSUANT TO THE 1956 COOPERATION AGREEMENT TO TWENTY PERCENT OR GREATER IN THE ISOTOPE 235 UNLESS PRIOR APPROVAL OF THE OTHER PARTY IS OBTAINED.

I HAVE THE HONOR TO PROPOSE THAT THIS NOTE AND YOUR REPLY CONFIRMING THE FOREGOING SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS AND SHALL ENTER INTO FORCE ON THE DATE OF YOUR REPLY AND SHALL REMAIN IN FORCE THEREAFTER UNTIL A NEW AGREEMENT FOR COOPERATION CONCERNING PEACEFUL USES OF NUCLEAR ENERGY ENTERS INTO FORCE.

ACCEPT, SIR, THE RENEWED ASSURANCES OF MY HIGHEST LIMITED OFFICIAL USE

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CONSIDERATION.

END TEXT

2. EMBASSY AUTHORIZED TO CONCLUDE EXCHANGE OF NOTES AS TRANSMITTED ABOVE. AUSTRALIAN NOTE WOULD MERELY REPEAT USG TEXT AND AGREE TO ITS PROVISIONS. EXCHANGE MAY BE CONCLUDED AS FIRST PERSON OR THIRD PERSON NOTES, WITH FORMAT IN ACCORDANCE WITH STYLE IN F.A.M. EXCHANGE COULD BE COMPLETED IN CANBERRA OR WASHINGTON, WHEREVER GOA PREFERS. IF CANBERRA CERTIFIED COPY OF EMBASSY NOTE AND SIGNED ORIGINAL OF AUSTRALIAN NOTE SHOULD BE AIR POUCHED TO DEPT (L/T) AS SOON AS EXCHANGE IS COMPLETED.

3. REGARDING A SPECIAL STUDY OF REPROCESSING BY SEVEN COUNTRIES, PLEASE INFORM FERNANDEZ THAT NYE INFORMALLY CANVASSED BRITISH VIEW. THEY FELT IT WAS SAFER TO PROCEED BY NETWORK OF BILATERALS AT THIS POINT.

4. REGARDING GOA CONCERNS OF RUMORS OF U.S. SALE OF URANIUM TO JAPANESE, YOU MAY SAY THAT ONLY PRELIMINARY TALKS HAVE BEEN HELD AND ANY POSSIBLE SALES WOULD INVOLVE JAPANESE RESPONSIVENESS TO OUR PROLIFERATION CONCERNS.

5. WE APPRECIATE INFO RECEIVED CANBERRA 5624 AND LOOK FORWARD TO HEARING FURTHER AS GOA DECISIONS ARE FIRMED UP.

VANCE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NUCLEAR AGREEMENTS, PEACEFUL USES OF ATOMIC ENERGY, NUCLEAR COOPERATION PROGRAMS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 22 jul 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE185938  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** RJBETTAUER:AVW  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**Litigation History:**  
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**Message ID:** efa28a6e-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
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**Retention:** 0  
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**Review Content Flags:**  
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**Review Event:**  
**Review Exemptions:** n/a  
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**Review Release Event:** n/a  
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**Review Withdrawn Fields:** n/a  
**SAS ID:** 1917999  
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**Status:** NATIVE  
**Subject:** INTERIM AGREEMENT WITH AUSTRALIA ON PEACEFUL NUCLEAR COOPERATION  
**TAGS:** MNUC, PARM, TECH, ENRG, AS, US  
**To:** CANBERRA  
**Type:** TE  
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**Review Markings:**  
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